

[Dr. T. S. S. Rajan] [8th November 1947]

him away although he is only a village karnam. Every one of the services in the Government is so guarded and so well-protected that I cannot accept the statement that the Government treat their servants badly. It may be that they have got the power of the union and as one of our friends said they can protest and make unreasonable demands. That is not the point. That they have got the power to protest, the power of union and the power to make themselves felt is well-recognized by the Government. Therefore I cannot be persuaded to believe that the Government is unreasonable and that it is tyrannysing its employees.

"These two clauses which I have read are sufficient to prove that all the safeguards are necessary and in case where it is not an establishment it is well-provided for and regarding the sacredness of the documents mentioned nobody will lay his hands on the registers to which my hon. Friend made reference. It is not in this Act. It is only those registers that come under the provisions of this Act that will be affected."

The motion was put and carried and the Bill was passed into law.

The House adjourned to meet again at 3 o'clock.

(After Lunch—8 p.m.)

(2) THE MADRAS NON-POWER FACTORIES BILL, 1947
(L.A. BILL NO. 16 OF 1947)—*cont.*

MR. PRESIDENT :—"Discussion on the Non-Power Factories Bill will now go on."

SRI B. NARAYANASWAMI NAYUDU :—"May I know, Sir, whether I can move the amendment, that the consideration of this Bill may be taken up this day next year?"

THE HON. SRI K. MADHAVA MENON :—"I rise on a point of order, Sir. We have already taken up consideration and the discussion has gone on. This amendment that this may be adjourned to next year should have come before you admitted and put the question."

MR. PRESIDENT :—"I have not put the question yet."

THE HON. SRI K. MADHAVA MENON :—"You have not put the question, Sir, but the discussion has already begun on the motion and the amendment that the consideration of this itself be adjourned should have been made before the discussion began."

THE HON. SRI H. SITARAMA REDDI :—"One hon. Member has already spoken on it."

SRI P. R. K. SARMA :—"I spoke on the motion, Sir, when it came up for general discussion. I was the first to speak on it."

K. UPPI SAHIB BAHADUR :—"May I know, Sir, whether a member is excluded from moving amendments?"

8th November 1947]

MR. PRESIDENT :—" Will you please allow me to think? Mr. Madhava Menon, can you just point out the rule under which you raise the point of order? "

THE HON. SRI K. MADHAVA MENON :—" I shall find out the rule, Sir. The ordinary practice is that when my hon. Friend Mr. Sitarama Reddi has already moved that the Bill be taken into consideration . . . "

MR. PRESIDENT :—" The general rules under Chapter XI say, that a member who has moved a substantive motion may speak again by way of reply and shall have a right of reply and that a member may speak on an amendment. As regards amendments it says, that an amendment must be relevant to and within the scope of the subject-matter of the Bill or motion to which it relates. The motion of the Hon. Minister is that the Bill be taken into consideration and there is an amendment to it. What is the objection? "

THE HON. SRI K. MADHAVA MENON :—" The amendment is that the consideration itself should not be taken. But you have already taken it up for consideration and the discussion has gone on."

MR. PRESIDENT :—" That does not matter."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, if the rules prevent hon. Members from asking for adjournments at any stage? "

MR. PRESIDENT :—" Instead of the hon. Members asking questions I would like them to help with references to certain rules. The motion of the hon. Member is not for an adjournment. It is an amendment to the motion to the effect that the consideration of the Bill be taken not now but one year hence."

SRI B. NARAYANASWAMI NAYUDU :—" As my amendment is not going to be accepted it does not matter, Sir. The other Bill that we discussed affected the classes and this Bill affects the workers. There are a number of industries enumerated in the Schedule: The match factory, the confestionery, printing and binding, etc. There are 31 such industries and my hon. Friend Mr. Suryanarayana has given notice of an amendment to add some more. The point which I wish to raise before the House is whether there is enough material before us to enable us to proceed with this legislation on a satisfactory basis. I wish to mention, Sir, that at least in future the Members of Government while presenting their Bills will explain the salient provisions of the Bills and not drive us to go home and read all the provisions and then understand what the Acts are about. This has not done with regard to any Bill they have presented to the House, namely, setting out what its salient features are, how it will affect the industry, who are the persons who will be affected, which are the industries which will not be affected and what are the pivotal sections. We simply take clause by clause, clause (a), clause (b) and so on. If any hon. Member on the Treasury

[Sri B. Narayanaswami Nayudu] [8th November 1947]

Benches will take up the debates of either the House of Commons or the House of Lords he will find that even in the third reading stage the principles of the Bill are reiterated so that others might follow very easily and find out whether they are right or not. This is the one submission which I want to make; whether they will take it or not is another matter.

‘The second thing I want to say is that the Shops Act was passed in 1912 in England. It concerns only the shop assistants. There was an Act previous to it in 1904. At the time of moving the Bill for consideration in 1912 Mr. Bottomley put down an amendment like this: ‘upon this day six months.’ This is what was said on the occasion:—

‘I can only suggest that the addition of the hon. Member for Skipton (Mr. Clouth) would have brought the sponsorship of the measures into harmony with its provisions. I feel that the Bill has been hurriedly and carelessly drawn and prepared. I do not think there is much practical brain behind it. One illustration will suffice. One of the most important deputations seen by the Home Secretary, at the office of his department, one of shopkeepers, was called for twelve o’clock on a Saturday, a time when scarcely any shopkeeper could attend without seriously jeopardizing his business. Perhaps the Home Secretary thought from the smallness of the attendance that the interest in the measure was not great. I think the House will regret that we have not the advantage of the presence of Mr. Seddon in discussing this measure. He is a great authority on the subject and he speaks for a large body of shop assistants. I have adopted a course in regard to this Bill which I recommend to the Right Hon. Gentleman in regard to measures of this kind. I convened a conference of all the shopkeepers and representatives of the assistants in my own Constituency, and I took the daring step of bringing the shopkeepers and Mr. Seddon as representing the shop assistants together, and I have a written declaration that conferences of that kind would be more calculated to cure the admitted evils of shop assistants than all the measures ever drafted by a Government department.’

I am reading this in extenso to show that like this we have not understood so many things. They have included the workers without consulting the workers’ representatives. They have not asked the employers to come and tell them what their needs are. They have not consulted the manufacturers. Here they have included the match factory. Did they call the workers and find out their requirements? Are they legislating for their needs as expressed by them or are they legislating according to the mandates with regard to labour? Is it fair on their part to go on legislation without summoning the employees and ascertaining what their needs are; is it merely speed that is required? I submit that this is not a proper course of legislation at all. How many

8th November 1947] [Sri B. Narayanaswami Nayudu]

of the Ministers know what the difficulties of the workers really are? So, Sir, I submit that this is not a mere question of freely putting these industries here. I say, Sir, that the particular employees and the workers in those industries should be brought together and their grievances should be ascertained and then an agreed legislation should be brought forward. If they are not agreed as to what is the best legislation that would satisfy the persons concerned there is no use having an academic and parliamentary debate with regard to these matters. I am not ridiculing them, I appeal to them. When I put the amendment down that the consideration may be postponed to this day next year, I mean, Sir, that if they are really interested in this legislation, they should make proper enquiries into the industries concerned and this question must be gone into and then only if the Government think that they have the right to do it, they should bring in the legislation.

"I am glad to find, Sir, that section 41 of the Shops and Establishments Act is not repeated here. Assistants have been pinned down to us under that Act. I hope that the omission of that section has been an oversight or the misfortune of the workers and the fortune of the employers. I leave it there."

THE HON. SRI H. SITARAMA REDDI :—"There is section 26."

SRI B. NARAYANASWAMI NAYUDU :—"Oh! there is section 26! I have already put the question and it has just now been answered. I have got one clerk tied to me and the workers will be tied down. They are ordinarily employed on monthly wages. Are they to be retained by me if the Inspector says: 'You retain them'. Till the shop goes away or it is closed down they cannot be sent out. Even then some difficulty may arise. Please answer my question definitely. For what time and for what purpose will the Inspector send back these workers? Secondly I want to know also whether a contract with workers terminable at will or that they will be employed for a month is not reasonable? Should I still go in to get an Inspector for discharging these workers? I want a categorical answer for these questions. The House will pardon me, Sir, if I am not able to sit here, because I have got work elsewhere which I cannot avoid."

"I am not moving my amendment, Sir, because it is not going to be accepted by the Government."

THE HON. SRI K. MADHAVA MENON :—"The rule relating to this matter is rule 105, Sir. It says:

'On the day on which such motion is set down in the list of business, the member in charge of the Bill may move that the Bill be taken into consideration. On that date or on any subsequent day to which the discussion of the motion is postponed, the principle of the Bill and its general provisions may be discussed . . .'

Rule 63 relates to the adjournment or postponement of a meeting or business."

[8th November 1947]

MR. PRESIDENT :—" This is not an adjournment motion."

THE HON. SRI K. MADHAVA MENON :—" It wants the business to be postponed."

MR. PRESIDENT :—" For that no notice is necessary."

THE HON. SRI K. MADHAVA MENON :—" No notice is necessary. But a motion for postponement cannot be moved under the proviso to rule 63."

MR. PRESIDENT :—" No, no. That relates only to any meeting or business fixed by a special order of the President or the Governor. This is not such a thing. Chapter XI contains the general rules of procedure for, among other things, adjournments and amendments. What the hon. Member wants to move is an amendment to the Government motion that the Bill be taken into consideration. Anyhow let us not waste our time as the amendment is not being moved."

(Sri P. R. K. Sarma rose to speak.)

MR. PRESIDENT :—" The hon. Member spoke yesterday."

SRI P. R. K. SARMA :—" I want to speak on the postponement motion."

MR. PRESIDENT :—" That motion is not before the House."

THE HON. SRI H. SITARAMA REDDI :—" Mr. President, Sir, so far as this Bill is concerned it has not been criticized as severely as the other Bill which we passed to-day. Some hon. Members of the House welcomed the Bill and commended its provisions, while Mr. Narayanaswami Nayudu raised two points for which he wanted answers to be furnished. Sir, before this legislation was undertaken it was ascertained that there were about 45,000 establishments that would be affected. That was the figure available up to 1930 or so. Statistics for the further period were not collected. But the number of establishments will be about 55 to 60 thousands, roughly. There is no regular data about the number of establishments that will be affected by this particular Bill. Mr. Nayudu has been particular in asking about the capital sunk in these establishments, the number of workers, and whether there has been an enquiry into the need for this legislation. So far as non-power factories are concerned there has been a need for this legislation. This kind of legislation has been asked for. I may also inform him that the Government of India have been contemplating the introduction of legislation on similar lines in the near future. There was some correspondence with the Government of India on the matter and I understand that an Act similar to this or in a modified form is likely to be passed by the Government of India. So I can assure the hon. Member that the need for this kind of legislation has been felt all over India and legislation has been taken up in this Province. I may also inform him that similar legislation has been passed in the Central Provinces some years ago. We need not feel as though we are the only

18th November 1947] [Sri H. Sitarama Reddi]

Province who have passed a legislation like this. Even if we are the first Province to undertake legislation like this, the hon. Member must certainly congratulate himself and the Madras Province for having been the first to introduce a good piece of social legislation which is going to protect the interests of the workers.

"My hon. Friend raised the question of 'reasonable cause'. All reasonable explanations have been given with regard to the 'reasonable cause' in connexion with the Shop Assistants' Bill. I am sure my hon. Friend has understood the rationale behind this question, and he appreciates the need for protecting the interests of the poor employees. Being an eminent lawyer himself, I am sure he must have gone through carefully the provisions of this Bill. He must have understood the provisions regarding contract. I may also tell him that my interpretation of the Act is not final. As he knows it is the court of law that is the final authority in the interpretation of an Act and whatever interpretation may be given by him or me is always subject to the decision of a court of law.

"The other question that was put by my hon. Friend was: If a person has entered into a contract with an employer for a period of five years or two years, what happens to him at the end of the contract? He is himself a lawyer, Sir, and I believe that the employee has got a right to go away after the contract ceases and the employer also can release him."

SRI B. NARAYANASWAMI NAYUDU:—"If the Inspector sends back the man how long am I to keep him?"

MR. PRESIDENT:—"Till you find another reasonable cause."

THE HON. SRI H. SITARAMA REDDI:—"If the Inspector sends back the man it means there is no reasonable cause for dismissal and the employer is in the wrong. The employee being in the right he should not be penalized by being sent away. I think the employee has got a right to go back to work, as he had been sent out on an unreasonable ground as determined by the authority competent to determine the matter. But, Sir, these are all imaginary fears. The relationship between the employers and the employees is not so bad and is not likely to become so bad as the hon. Member imagines. I am sure, Sir, that as a result of this social legislation the employer will have a satisfied worker and increased production in the small non-power factories.

"The hon. Member must be quite well aware of the deplorable conditions of some of these small non-power factories, for example, the beedi factories and the tanning factories. There is no proper lighting and the workers have not got even water to drink. This legislation will help the provision of amenities like better places to work, better housing conditions and better security. The health of the workers will not suffer and I am sure my hon. Friend would support the Bill and help the Government in the expeditious passage of the Bill in this House."

[8th November 1947]

THE HON. DR. T. S. S. RAJAN :—" Sir, the Government are aware of what is going on in all these factories. That is a thing on which I need not dilate. That there are a number of factories, growing like mushrooms, where people are used most inhumanly and work extracted from them is a thing on which I need not say very much. The report of Dr. Narayanaswami Nayudu on these non-power factories will be an eye-opener to anybody who goes through it. As a Government responsible to the people we cannot sleep over the report that was given to us months ago. We have got to take action on it."

MR. PRESIDENT :—" What is the report about? "

THE HON. DR. T. S. S. RAJAN :—" The report about the working of the non-power factories."

MR. PRESIDENT :—" Was a Committee appointed? "

THE HON. DR. T. S. S. RAJAN :—" Dr. B. V. Narayanaswami Nayudu was asked to investigate the whole thing."

" Sir, it is not as if we are not aware of what is going on in these factories. In fact a challenge has been thrown to us by the report published by him. Under the circumstances, the suggestion that the non-power factories' legislation should be postponed by another year can't bear investigation. The legislation cannot be delayed. We have already delayed it too long and it will be unjust and unfair if we delay it any further."

" My Hon. Friend Mr. Sitarama Reddi mentioned a few industries. Anybody who knows the conditions prevailing in these industries will not only not hesitate to support this Bill but will want to make the provisions more stringent than we have made them. I have personal knowledge of tanneries. The way in which tanneries are maintained and the health of the workers is cared for is something which will not bear open investigation."

" Then there are the beedi factories where small children—hundreds of them of all ages, from 2 years upwards—are employed and they work in groups in small dark, dingy houses, in the backyards and in any unused place. Everything is dumped into it—ordinary leaves, tobacco leaves and everything. They are made to work there under absolutely unhealthy conditions."

" What is it that this Bill has done? It says that you must provide the workers with some comfort and cleanliness about the place of work, some ventilation and so on. The workers should be given an ordinary holiday and so on. The little children should not be made to work. In no country would children of tender age be employed in factories like beedi factories."

" Then there are the salt pans employing hundreds and thousands of people. They are made to work for six months and they are not wanted after six months. Some work for three months and they are not wanted after three months. How are they to live by the industry if it takes them and throws them away as it likes? It is something atrocious. These may not be factories

8th November 1947] [Dr. T. S. S. Rajan]

in the sense that they work in a particular shed or building. These salt workers are in many places employed only for some months and sometimes for some days. They are never kept for the whole season.

"Sir, as a civilized Government we have a responsibility to the workers. India is now an independent country. If we want to deserve our independence we must have a place in the International Labour world. In the Regional Labour Conference at Delhi if anybody has taken care to read the recommendations formulated by it, he would have found what those organizations are doing on behalf of labour. What is more, they insist on all the countries attending the conference to keep up to the standard and publish reports year after year and say what is it they have done for the amelioration of labour. This Conference represents labour all over the world and their recommendations are made part and parcel of the activities of Governments which are considered to be national and free. Since the 15th of August, a Bill of this sort is long overdue and it must find a just and honourable place in the statutes of any nation. After all, what has been done in the Bill? Simply we provide for the regulation of hours of work, grant of holidays, payment of wages, prohibition of the employment of children and generally to see that conditions of labour are such that they will be respectable for any individual to come and work. That is all that the few sections here provide for. The Bill is not a perfect one; it will require amplification in the light of experience gained in its working. If defects are found, we shall certainly rectify them. But on no account can this Bill be postponed even for a minute because it is an imperative necessity. No enquiry regarding employers and workers is necessary. Bulletins have been published, investigations have been conducted, and in the face of all these things, if we keep quiet, we shall be dead to all sense of human sympathy for the overworked sweated labour. This Bill is absolutely essential and very urgent. The few clauses that we have introduced in it provide for just the fair and the minimum rights. Nothing has been done in haste or without consideration. Therefore, I wish that this Bill be taken up for consideration immediately and passed into law at the earliest possible moment."

3-30
p.m.

DR. V. K. JOHN:—"Mr. President, I wish to say a few words and I will take only a few minutes."

THE HON. SRI H. SITARAMA REDDI:—"Let him speak at the third reading stage. It is a matter of procedure."

DR. V. K. JOHN:—"It is not right to say that I should speak only at the third reading stage. I want to point out that this Act cannot serve the purpose for which it is intended on account of certain provisions in it coming into conflict with an Imperial Act. If the Government do not want me to point it out, I do not want to speak."

MR. PRESIDENT:—"The motion before the House is that the Bill be taken into consideration. If you have got any suggestion to make, you can speak on some clause when the Bill is taken up clause by clause."

[8th November 1947]

DR. V. K. JOHN :—" There is no immutable rule."

MR. PRESIDENT :—" I cannot agree with you there. The Government are called upon to reply after the whole discussion is over."

DR. V. K. JOHN :—" The House is in charge of the whole procedure."

MR. PRESIDENT :—" There is no question of standing on technicalities. I am prepared to allow you to speak. You can finish in five minutes."

DR. V. K. JOHN :—" I cannot say what all I have to say in five minutes. I would require at least ten or fifteen minutes. If I am not entitled to speak, I don't want to speak. If I am allowed to speak, I want time. I am supposed to be trained lawyer and I may put my case in as brief a time as possible."

MR. PRESIDENT :—" The matter is before me. I hope the hon. Member will understand what I am saying. There is a certain procedure to be observed in the House. After the Member in charge of the Bill has replied, no other member has got a right to speak under the rules. But I am prepared to allow you to speak and you must respect my wish about time. There is no room for misunderstanding."

DR. V. K. JOHN :—" I only want to assist the Government. If it is not considered by the Government to be of assistance to them, I do not want to speak at all."

MR. PRESIDENT :—" May I suggest that the hon. Member need not concern himself with the Government. He and I are the persons concerned."

DR. V. K. JOHN :—" Then, I request the Hon. President to allow me ten or fifteen minutes to express my view in the matter. If that cannot be conceded, I will content myself that that is all the privilege that a member can have."

MR. PRESIDENT :—" I just want to know whether he cannot speak on any clause."

DR. V. K. JOHN :—" The nature of the case is such that it cannot be referred to on any clause. At the third reading stage when the Bill is about to be passed, my saying anything will not be of any use. In any case, every member of this House and the Government are on trial. What I speak sometimes get into the papers "

MR. PRESIDENT :—" Let the hon. Member go on, but this will not be a precedent."

DR. V. K. JOHN :—" What I want to say is this. It would appear that this Bill was prepared without taking into consideration the Factories Act, 1934, as amended by the Factories (Amendment) Act, 1940. I will give the reason for my statement.

8th November 1947]

[Dr. V. K. John]

"According to section 2 (1) (g) of this Bill :

"non-power factory" means any place or premises including the precincts thereof wherein ten or more workers are working or were working on any one day of the preceding twelve months and to which the Factories Act, 1934, does not apply and wherein one or more of the industries or handicrafts specified in the Schedule is, or are being carried on.

"According to section 2 of the Factories Act, 1934,

"factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Indian Mines Act, 1923.

and

"power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency.

"According to section 59A (1) in Chapter V-A of the Factories Act as amended in 1940

'unless there is anything repugnant in the subject or context, "small factory" means any premises including the precincts thereof whereon ten or more, but less than twenty workers are working or were working on any day of the preceding six months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Indian Mines Act, 1923.'

When the 1934 Act was passed, the intention of the Indian Legislature was to apply the Act to factories run with the aid of power where there were twenty or more workers. By the Amendment Act of 1940, small factories run with the aid of power where there were ten or more, but less than twenty workers were also included, with the result that the Act as amended in 1940 applies to practically all factories where power is used.

"If you look at the Schedule to this Bill, you will find that there are 31 items in it. In most of the items like match factory, printing and binding, engineering and blacksmithy, I am sure power will certainly be used and they will attract section 59A of the Central Act."

SRI P. R. K. SARMA :—"Not necessarily."

SRI R. SURYANARAYANA RAO :—"The designation itself is 'non-power' factory."

DR. V. K. JOHN :—"Let me make it clear to my non-lawyer friends. According to the definition of 'non-power factory' this Bill will apply to factories with ten or more persons and to which

[Dr. V. K. John] [8th November 1947]

the Factories Act, 1934, does not apply. Therefore, what we have got to see is whether a factory—whether you call it a power factory or non-power factory—attract section 59-A of Chapter V-A of the Central Act. If we exempt all the factories to which section 59A applies, we will have very few factories to which this Bill will apply."

MR. PRESIDENT :—" Do those two sections in the Central Act refer to power factories or non-power factories?"

DR. V. K. JOHN :—" As I said, power is defined in that Act as electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency. What you call a non-power factory in this Bill should be a factory in which no kind of power is transmitted. Can you find a match factory, printing and binding, and engineering and blacksmithy where no mechanical energy is transmitted? Therefore, what I am submitting to the House is that, as this Act will apply only to factories to which the Central Act does not apply, we are limiting its application to very few cases.

" Then we come into another conflict. When a major power factory and a small power factory are governed by one law which is less strict, it is not in order for us to put in more stringent condition for all non-power factories. That we are actually guided by the old Act is clear from the definition. I will cite only two instances."

3-45 P.M. MR. PRESIDENT :—" Are the provisions of the Factories Act more stringent?"

DR. V. K. JOHN :—" What I mean to say is that the draftsman of this Bill had, in fact, in mind only the Factories Act of 1934, and not the subsequent amendments to it, Sir.

" Now, let us take the definition of the word 'time'. According to this Bill references to time of day are references to Indian Standard Time which is five-and-a-half hours ahead of the Greenwich Mean Time. This is an exact copy of what is contained in the 1934 Act. Otherwise, we could very well have stopped with the words 'Indian Standard Time'. The draftsman of this Bill has simply copied down the definition of 'time' *in toto* from the 1934 Act, without giving a moment's thought whether these words are appropriate or not.

" Now, taking the Companies Act, again for example, there are three kinds of companies in existence—public companies, private companies and subsidiary companies of public companies. The Companies Act has been amended from time to time and the present position is that a private company must have at least one director if it is not a subsidiary company of a public company in which case there must be three directors. The 1936 Amending Act has made a lot of changes in the Company law, but we still find that provisions are bodily incorporated by copying them from old Acts without knowing that the Company's Act was amended in 1936. What I therefore mean to say is that we have simply copied down certain provisions of the old Factories Act of 1934, which is a

8th November 1947] [Dr. V. K. John]

Central Act and say that this will not apply to the factories which are not attracted by the Central Act. I say, Sir, that if we apply the provisions of the amended Central Act, dealing with small factories, we must exclude most of the industries mentioned in the Schedule to this Bill. I do not know whether the draftsman of this Bill had ever in mind that there was a recent amendment to the 1934 Act which covers many of the small factories referred to in the Schedule. In that Amending Act, you will find a new section 59-A introduced by a new Chapter V-A.

" Now, Sir, take again contracts. Contract of service has been clearly defined in the Central Act and the relations between the employer and the employee have also been laid down therein. That has not been taken into consideration at all in the drafting of clause 26 of this Bill which lays down the circumstances under which an employer can dispense with the services of his employee and this again is an exact copy of Section 41 (1) of the Shops and Establishments Bill which we have passed this morning, and which we criticized.

" Sir, let me further explain how the drafting of this Bill is defective in so many other ways. Take the first section of this Bill itself and you will find how badly worded it is. What does it say? It says :

1. (1) *That this Act may be called the Madras Non-Power Factories Act of 1947.*
- (2) *It extends to the whole of the Province of Madras.*
- (3) *This section shall come into force at once and the Government may, from time to time, by notification apply the remaining provisions of this Act to the whole or any portion of the Province of Madras from such date as may be specified in the notification.*

This is very badly drafted and it is perhaps copied down from some antiquated Act, not knowing the real implications thereof. The draftsman of this section says that this section and not the whole Act shall come into force at once. What is the object of this section alone coming into force at once, without the rest of the provisions of this Act? It does not say that sub-sections (1) and (2) will come into force at once.

" Therefore, Sir, I say, that this is a piece of jumble, copied down from various antiquated Acts. It is very narrow in its scope and very limited in its application. It is inconsistent with the provisions of the Central Act, dealing with big and small factories. This Act interferes with the sanctity of contracts. It is badly worded and its reference to the Greenwich Mean Time is quite unnecessary. Even the copying is done in ignorance, without understanding, without discrimination and without giving any thought to the provisions which are copied and the language used even in the very first section of this Bill is defective. Sir, such is the piece of legislation conceived by the Ministry that is scught to be thrust on the people of this Province! "

Mr. PRESIDENT :— " What is the harm in sub-clause (3) saying that section 1 comes into force immediately? "

[8th November 1947]

DR. V. K. JOHN :—" What is the object of section 1 alone coming into force at once without any other subsequent provisions of the Bill coming into force? That is the material point in this Bill. The name of this Act and its jurisdiction can come into force at any time, when all the other provisions come into force. There is no meaning in saying that section 1 alone comes into force at once, and that the other material provisions of this Act, namely, section 2 to the end of the Act, will come into force from such date as the Government may specify by notification that they shall apply to the whole or any portion of the Province."

MR. PRESIDENT :—" Section 1 says that the name of the Act and the power given to the Government to extend the Act to the whole of the Province shall come into force at once. I cannot understand what is wrong in it."

DR. V. K. JOHN :—" What I have been elaborating so far, and what I am trying to bring to the notice of this Government is this, Sir. Here we are introducing a certain labour legislation in this Province, the provisions of which are already covered by the Central Act and we must take care to see that the provisions contained in this enactment are not inconsistent with those in that Central Act and that if the Central Act has undergone any amendments in the meanwhile, we should not merely copy down the definitions and provisions bodily from the old Act, without taking into consideration the subsequent amendments. That is all the purpose of my speech, Sir. It is wrong to say that in a private limited company, it is the shareholders that are liable for its management and not the directors. Cannot this Government find any lawyer to help them in the drafting of this Act or have they not got a drafting section knowing the law on these subjects? I therefore submit, Sir, that the drafting of this Bill is very defective in that some of its provisions have been merely copied down from some antiquated Central Act without any idea, without any knowledge or without any information that they have been amended later on."

THE HON. SRI H. SITARAMA REDDI :—" Sir, when my hon. Friend; Dr. John, started criticising this Bill and began to quote section 59-A of Chapter V-A of the Central Act, I thought that something very great was going to come. There is nothing new about what he has pointed out. This Act clearly applied to non-power factories and all, what my hon. Friend has said was with reference to power factories. There is a clear distinction between what my hon. Friend says and what is contained in this Bill and so I feel that there is no need to revise this Act on the ground that it applies only to very few factories. Sir, the object of this Bill is to bring relief to the workers in factories whether they are few or many.

" My hon. Friend was suggesting that there are some match and other factories which are using power. If they use power, they will come under the Power Factories Act, which is an India Act and so there is nothing inconsistent or conflicting in this Bill which would offend the provisions of the Central Act. Under this legislation, we are taking powers, while we have no powers

8th November 1947] [Sri H. Sitarama Reddi]

at present, to compel the employer to provide certain amenities to the workers in private factories. The whole object in bringing forward this legislation is to protect the workers who are not protected by the Central Act. If the Central Act protects all the workers, then there will be no need for this Government to enact a measure of this kind. It is because the Central Act is not wide enough to cover the workers contemplated under this Bill, that we have brought forward this Bill. That is the answer, Sir, that I have to give to my hon. Friend.

"Sir, my hon. Friend was also trying to make much of the Greenwich Mean Time and certain other things. I do not know, Sir, when he has suddenly begun to be fond of the Indian time. The Greenwich time is recognized all over the world as the standard time and there is nothing wrong, because it is a British town, to mention it in this Bill. I am glad, Sir, that my hon. Friend has suddenly become so national in his attitude towards this Bill."

MR. PRESIDENT :—"The question is that this Bill to regulate the conditions of labour and to make provision for its welfare in places and premises to which the Factories Act, 1934, does not apply in the Province of Madras as passed by the Assembly (L.A. Bill No. 16 of 1947) be taken into consideration at once."

4 p.m.

The motion was put and carried.

Clauses 2 to 47 were one by one put and carried.

Schedule.

SRI R. SURYANARAYANA RAO :—"Mr. President, Sir, as I was listening to the speech of the hon. Member, Dr. John, I was wondering why Government were so obstinate in not taking into confidence such legal experts as my friend Dr. John and avoid the criticism that he has been consistently levelling at this Government of bad drafting. I too feel, Sir, if some of us had been taken into confidence, we too would have suggested, not in the drafting, but at least the addition of a few industries in the schedule. In the original Bill, there were only 30, and it has now become 31."

MR. PRESIDENT :—"I suppose the usual provision for notification is there?"

SRI R. SURYANARAYANA RAO :—"Yes; I have suggested in my amendment four or five. Perhaps there are others we would have suggested if we had been consulted. As the Government are not prepared to include even in the Schedule my amendments, I can only appeal to them to use the power of notification and see especially that the jewellery workshops, a large number of which are in the Mint street and other places where sweated labour is very prominent, are also included in the Schedule. Sir, I do not propose to move my amendment, as I know what the fate of that amendment will be"

MR. PRESIDENT :—"There is no question of fate; I think the Government will certainly consider it."

[8th November 1947]

SRI R. SURYANARAYANA RAO :—“ I hope the Government will take the earliest opportunity to include some more non-power factories or industries in the Schedule, especially those I have in my mind, i.e., the jewellery workshops, glass bangle manufacture and cumbli-weaving. I hope they will do so. This morning we passed the rule regarding the constitution of joint committees. I hope the Government will see that the legal experts of this House are always included in the joint committee, so that there may be no question of anybody objecting to the drafting of the Bills that may be brought forward in the future.”

The Schedule was put and carried.

Clause 1.

Clause 1 was put and carried.

Preamble.

The Preamble was put and carried.

THE HON. SRI H. SITARAMA REDDI :—“ Sir, I am grateful to the hon. Members of the House for the expeditious passage of this Bill and also for the very helpful criticisms that they have offered. I may assure you that the Government will note, when the Act is applied, the various criticisms levelled against it, and in its working, if there are any defects noticed, they will carefully have them examined and do what is necessary to remedy them. Sir, I am also grateful to all hon. Members for their hearty co-operation in the passing of this Bill. I now move that the Bill be passed into law.”

MR. PRESIDENT :—“ The question is—

‘ That the Bill to regulate the conditions of labour and to make provision for its welfare in places and premises to which the Factories Act, 1934, does not apply, in the Province of Madras, L.A. Bill No. 16 of 1947 as passed by the Assembly, be passed into law.’ ”

The motion was put and carried.

IV.—ANNOUNCEMENT RE AUTHENTICATION OF THE AMENDMENTS TO RULE 111 OF THE MADRAS COUNCIL RULES.

Rule.

MR. PRESIDENT :—“ Under rule 137 of the Madras Council Rules, I inform the House that a copy of the amendment to rule 111 of the Madras Council Rules, viz.—

‘ (a) For the last two lines of sub-rule (1), after the word “ Bill,” the following shall be substituted :—

“ and such a motion shall state the total number of members of both Houses to be appointed to the Committee.”

(b) At the end of sub-rule (2), the following shall be added :—

“ to the appointment of a Joint Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (4).”